

Issued July 13, 1912.

United States Department of Agriculture,

OFFICE OF THE SECRETARY.

NOTICE OF JUDGMENT NO. 1523.

(Given pursuant to section 4 of the Food and Drugs Act.)

ADULTERATION AND MISBRANDING OF BANANA CORDIAL.

On February 28, 1912, the United States Attorney for the District of Columbia, acting upon a report by the Secretary of Agriculture, filed in the Supreme Court of the District of Columbia a libel for the seizure and condemnation of one keg of banana cordial remaining unsold in the original unbroken packages, purchased from Liebenthal Bros. & Co., Cleveland, Ohio, and in possession of William J. Tyson, 209 Pennsylvania Avenue Southeast, Washington, D. C., alleging that the product had been shipped, on or about August 18, 1911, from the State of Ohio into the District of Columbia, and charging adulteration and misbranding in violation of the Food and Drugs Act. The product was branded: "Cordial Banana."

Adulteration was alleged in the libel for the reason that the product was not a banana cordial nor entitled to be so called, but was an imitation banana cordial and was a preparation which had been flavored and colored and mixed by the addition of artificial flavoring and coloring matters and substances in a manner whereby inferiority was concealed and in order to imitate banana cordial, and whereby said product did imitate and appeared to be banana cordial. Misbranding was alleged for the reason that the product was labeled and branded so as to deceive and mislead the purchaser thereof, in that the label thereon signified and imported that the liquid contained therein was a banana cordial when in truth and in fact the liquid contained therein was not a banana cordial nor entitled to be so called but was an imitation banana cordial and was a compound which had been flavored and colored by the addition of artificial flavoring and coloring matter and substances.

On March 27, 1912, no claimant having appeared for the property, judgment of condemnation and forfeiture was entered, and it was further ordered that the product should be destroyed by the United States marshal.

W. M. HAYS,
Acting Secretary of Agriculture.

WASHINGTON, D. C., May 8, 1912.

